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Reporting Category

No Reporting Category entered.

Log No: 1013485 Type:CR

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View FONTAINE, DANIEL	CLOSED/FINAL	NOT SUSTAINED	-	-	-	23-JUL-2008	N/A
View RODRIGUEZ, JESSE	CLOSED/FINAL	NOT SUSTAINED	-	-	-	23-JUL-2008	N/A

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Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	WOLFE, DIANE	JAN-17-2008 16:27	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	DUFFY, MICHAEL	JAN-18-2008 13:50	-	-	-
View 3	CONFLICT CERTIFICATION	N/A	-	-	-	WILMOUTH, JOHN	JAN-22-2008 05:43	-	-	-
View 4	ATTEMPT TO CONTACT	N/A	1	-	YES	WILMOUTH, JOHN	JAN-23-2008 10:33	APPROVED	-	YES
View 5	COMPLAINANT STATEMENT	N/A	3	-	YES	WILMOUTH, JOHN	JAN-23-2008 10:33	APPROVED	-	YES
View 6	INTERVIEW - WITNESS	N/A	4	-	YES	WILMOUTH, JOHN	JAN-23-2008 10:34	APPROVED	-	YES
View 7	REPORT (OTHER)	N/A	1	-	YES	WILMOUTH, JOHN	JAN-23-2008 10:35	APPROVED	-	YES
View 8	ATTENDANCE AND ASSIGNMENT RECORD	N/A	5	-	YES	WILMOUTH, JOHN	JUN-19-2008 11:22	APPROVED	-	YES
View 9	P.C.A.D. (PCAD) REPORTS	N/A	2	-	YES	WILMOUTH, JOHN	JUN-19-2008 11:23	APPROVED	-	YES
View 10	REPORT (OTHER)	N/A	5	Personnel report	YES	WILMOUTH, JOHN	JUN-19-2008 11:24	APPROVED	-	YES
View 11	REPORT (OTHER)	N/A	1	To/From Vidio viewing vidio tapes from security at Bethany Hospital	YES	WILMOUTH, JOHN	JUL-23-2008 12:02	APPROVED	-	YES
View 12	VIDEO RECORDING	N/A	1		YES	WILMOUTH, JOHN	JUL-23-2008 12:03	APPROVED	-	YES
View 13	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	witness P/O Mahadeo	YES	WILMOUTH, JOHN	JUL-23-2008 12:07	APPROVED	-	YES
View 14	WITNESS REPORT	N/A	1	P/O Mahadeo	YES	WILMOUTH, JOHN	JUL-23-2008 12:08	APPROVED	-	YES

View	15	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	witness P/O Kalinowski	YES	WILMOUTH, JOHN	JUL-23-2008 12:08	APPROVED -	YES
View	16	WITNESS REPORT	N/A	1	P/O Kalinowski	YES	WILMOUTH, JOHN	JUL-23-2008 12:09	APPROVED -	YES
View	17	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	witness Sgt Donahue	YES	WILMOUTH, JOHN	JUL-23-2008 12:17	APPROVED -	YES
View	18	WITNESS REPORT	N/A	1	Sgt Donahue	YES	WILMOUTH, JOHN	JUL-23-2008 12:18	APPROVED -	YES
View	19	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	witness Sgt Mulligan	YES	WILMOUTH, JOHN	JUL-23-2008 12:18	APPROVED -	YES
View	20	WITNESS REPORT	N/A	1	Sgt Mulligan	YES	WILMOUTH, JOHN	JUL-23-2008 12:19	APPROVED -	YES
View	21	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Accused P/O Fontaine	YES	WILMOUTH, JOHN	JUL-23-2008 12:21	APPROVED -	YES
View	22	NOTIF OF CHARGES/ALLEGATIONS - ADM PROC RIGHTS (STATUTORY)	N/A	1	P/O Fontaine	YES	WILMOUTH, JOHN	JUL-23-2008 12:22	APPROVED -	YES
View	23	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	P/O Fontaine	YES	WILMOUTH, JOHN	JUL-23-2008 12:22	APPROVED -	YES
View	24	ACCUSED REPORT	N/A	1	P/O Fontaine	YES	WILMOUTH, JOHN	JUL-23-2008 12:23	APPROVED -	YES
View	25	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	Accuse P/O Rodriguez	YES	WILMOUTH, JOHN	JUL-23-2008 12:26	APPROVED -	YES
View	26	NOTIF OF CHARGES/ALLEGATIONS - ADM PROC RIGHTS (STATUTORY)	N/A	1	P/O Rodriguez	YES	WILMOUTH, JOHN	JUL-23-2008 12:26	APPROVED -	YES
View	27	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	P/O Rodriguez	NO	WILMOUTH, JOHN	JUL-23-2008 12:27	APPROVED -	YES
View	28	ACCUSED REPORT	N/A	1	P/O Rodriguez	YES	WILMOUTH, JOHN	JUL-23-2008 12:27	APPROVED -	YES
View	29	REPORT (OTHER)	N/A	1	Identification of accused	YES	WILMOUTH, JOHN	JUL-25-2008 12:41	APPROVED -	YES
View	30	REPORT (OTHER)	N/A	6	Half sheets	YES	WILMOUTH, JOHN	JUL-25-2008 12:42	APPROVED -	YES
View	31	INVESTIGATOR CASE LOG	N/A	1	-	YES	WILMOUTH, JOHN	JUL-23-2008 12:27	APPROVED -	YES
View	32	SUMMARY REPORT	N/A	3	-	YES	WILMOUTH, JOHN	SEP-11-2008 09:55	APPROVED -	YES

row(s) 1 - 32 of 32

Internal Use Only

No Internal Use Only attachments available.



Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED/FINAL	10-AUG-2009 15:50	ORDOWER, JOSEPH	SUPERVISING INV COPA		113 / -	-
PENDING IMPLEMENT ACTION			DEP CHIEF		142 / 214	-

	12-OCT-2008 22:33	GULLIFORD, WAYNE			
PENDING COMMAND CHANNEL REVIEW	01-OCT-2008 17:57	WASHINGTON, ERIC	COMMANDER		011 / - -
PENDING COMMAND CHANNEL REVIEW	16-SEP-2008 10:51	PRITZA, MARILYN	POLICE OFFICER		005 / 543 -
CLOSED AT C.O.P.A.	16-SEP-2008 10:48	PRITZA, MARILYN	POLICE OFFICER		005 / 543 -
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	11-SEP-2008 13:59	CONNOLLY, KEVIN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATIVE REVIEW	11-SEP-2008 13:44	WILMOUTH, JOHN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATION	11-SEP-2008 13:43	CONNOLLY, KEVIN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATIVE REVIEW	11-SEP-2008 13:42	WILMOUTH, JOHN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATION	11-SEP-2008 13:40	CONNOLLY, KEVIN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATIVE REVIEW	11-SEP-2008 13:30	WILMOUTH, JOHN	INVESTIGATOR 3 COPA		113 / - -
PENDING INVESTIGATION	18-JAN-2008 13:50	DUFFY, MICHAEL	COOR /INVESTIGATION		113 / - -
PENDING ASSIGN INVESTIGATOR	18-JAN-2008 13:36	DUFFY, MICHAEL	COOR /INVESTIGATION		113 / - -
PENDING ASSIGN TEAM	17-JAN-2008 20:27	FREEMAN, NATHANIEL	SUPERVISING INV COP		113 / - -
PENDING SUPERVISOR REVIEW	17-JAN-2008 16:38	WOLFE, DIANE	INTAKE AIDE		113 / - -
PRELIMINARY	17-JAN-2008 16:27	WOLFE, DIANE	INTAKE AIDE		113 / - -
					row(s) 1 - 16 of 16

Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
FONTAINE, DANIEL	1	WASHINGTON, ERIC
FONTAINE, DANIEL	2	GULLIFORD, WAYNE
RODRIGUEZ, JESSE	1	WASHINGTON, ERIC
RODRIGUEZ, JESSE	2	GULLIFORD, WAYNE
row(s) 1 - 4 of 4		

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

1013485

DATE OF REPORT (DAY-MO.-YEAR)

02 August 2008

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☒ ADMINISTRATOR IN CHARGE, INDEPENDENT POLICE REVIEW AUTHORITY
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME John WILMOUTH				RANK INV	STAR NO. 103	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113
ADDRESS OF INCIDENT [REDACTED] W. Van Buren -- on the street near Bethany Hospital				DATE OF INCIDENT - TIME 17 Jan 08 - 0100 hours		BEAT OF INCIDENT 1133		LOCATION CODE* 14
ACCUSED	NAME 1. FONTAINE, Daniel			RANK PO	STAR NO. 8677	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 011
	2 RODRIGUEZ, Jesse			RANK PO	STAR NO. 8364	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 011
	SEX/RACE 1. M/W	D.O.B. [REDACTED]	DATE OF APPOINTMENT 29 OCT 01	DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		PHYS. COND. CODE 01
	SEX/RACE 2. M/H	D.O.B. [REDACTED]	DATE OF APPOINTMENT 14 DEC 98	<input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		PHYS. COND. CODE 01
	IF APPLICABLE DATE ARRESTED INDICATED 1.			CHARGES		COURT BRANCH	DISPOSITION & DATE	
	2							
COMPLAINANTS	NAME [REDACTED]		ADDRESS** [REDACTED] N. Lavergne		CITY STATE Chicago, IL	TELEPHONE [REDACTED]	SEX/RACE M/B	D.O.B./AGE [REDACTED]
	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
WITNESSES	NAME [REDACTED]		ADDRESS** [REDACTED] N. LeClaire St. - #2		CITY STATE Chicago, IL	TELEPHONE [REDACTED]	SEX/RACE M/B	D.O.B./AGE [REDACTED]
	NAME P/O MAHADEO, Alejandra		ADDRESS** #11696, 011 th District		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE

[] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	On 17 January 2008, the complainant, [REDACTED], called IPRA and registered this complaint with Intake Aide D. Wolfe. The complainant alleged that on 17 January 2008 at 0100 hours, while at [REDACTED] W. Van Buren outside the emergency room parking lot of Bethany Hospital, Officer Daniel Fontaine #8677 of Unit 011.	
	1) Grabbed and pulled him by his clothes.	
	The complainant alleged that on the same date, time and location, Officer Jesse Rodriguez #8364 of Unit 011:	
1) Kicked him on his right side,		
2) Pushed him inside the squad car, and		
3) Punched him on the side of his face.		

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

The following steps were taken to prove or refute the allegations in the "Allegations" section of this report.

Obtained in-person interview of the complainant, [REDACTED], where he indicated that while talking to a friend, he and his two friends, [REDACTED] and [REDACTED] were the victims of a shooting. [REDACTED] was hit, and transported to Bethany Hospital. [REDACTED] stated that while at the hospital, a male white sergeant informed him that his vehicle would be processed as evidence. Then male and female white uniformed officers approached him and [REDACTED] and asked them to take a ride with them and they refused. [REDACTED] related that he called "911" to obtain advice and heard someone yell, "Get off the fucking phone." Then a short male white officer grabbed [REDACTED]'s phone and right hand and ordered him to let go of the phone but he refused. During this, the taller officer grabbed and pulled on his clothes from behind, while the same short officer kicked him on the right side. [REDACTED] stated that he was handcuffed and transported to the 011th District with [REDACTED] where they were going to be questioned as witnesses only. [REDACTED] was not arrested and did not sustain any injury. He did not identify any other witness other than his friend [REDACTED] and [REDACTED] but did not have their contact information. [REDACTED] was unable to provide a detailed description of the accused officers. (Att. 5)

Obtained in-person interview of [REDACTED] where he indicated that he and [REDACTED] brought their friend to the hospital because he had been shot. While at the hospital, they were informed by a sergeant that they were going to be interviewed regarding the shooting, at which time a set of officers told them that they were going to transport them to the station to be interviewed by the investigators. [REDACTED] stated that [REDACTED] called the police station and the officers became upset as they grabbed [REDACTED]'s phone from his hand and a struggle ensued. [REDACTED] stated that [REDACTED] did not want to let go of his cellular phone, at which time one of the officers kicked him on his legs, then grabbed him by the hands and placed them around [REDACTED]'s waist. The same officer then pushed [REDACTED] inside the squad car, and once inside the officer punched Walker once on the face. Walker was not handcuffed until later by the transporting officers. [REDACTED] indicated that [REDACTED] complained of soreness to his body, but did not seek medical treatment. [REDACTED] did not identify the accused officers, the sergeant that may have seen the altercation, or any other witnesses that were on the scene. (Att. 6)

A copy of the video camera recording located near the parking lot of the hospital (location of incident) was obtained, but it did not have any video footage that captured the incident at the hospital. (Atts. 11, 12)

SUMMARY

ATTACHMENT

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

1, 5, 6

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

14, 16, 18, 20, 24, 28

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

0

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

31

FINDINGS-RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

ACCUSED #1: PO Daniel FONTAINE #8677 of Unit 011
ALLEGATION #1: NOT SUSTAINED

ACCUSED #2: PO Jesse RODRIGUEZ #8364 of Unit 011
ALLEGATIONS #1 - #3: NOT SUSTAINED

APPROVED

Supervisor

(Summary Typed by Inv. M. Webb)

DATE INITIATED (DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

18 January 2008

DATE COMPLETED (DATE OF THIS REPORT)

02 August 2008

ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)

197 Days

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section.

WITNESSES CONTINUED:

3. P/O KALINOWSKI, Andrew #16872, 011th District
4. Sgt. DONAHUE, Patrick #1718, 011th District
5. Sgt. MULLIGAN, Michael #891, 011th District

INVESTIGATION:

Obtained Witness Reports from Officers A. Mahedeo #11696 and A. Kalinoski #16872 of Unit 011. The officers indicated that [REDACTED] was irate and caused a disturbance when questioned about the shooting. After [REDACTED] calmed down, he voluntarily agreed to come to the station to provide a statement to the detectives regarding the shooting. The officers denied the allegations made against Officer Rodriguez or any other officer. (Att 14, 16)

Obtained Witness Report from Sgt. Patrick Donahue #1718 of Unit 011, who denied being a witness to any misconduct by any officer. Sgt. Donahue reported that he had no contact with the complainant and did not observe any Department member break any Department regulations. (Att. 18)

Obtained Witness Report from Sgt. Michael Mulligan #891 of Unit 008. Sgt. Mulligan indicated that he did not recall the incident in question, the complainant, or any shooting victim at Bethany Hospital. (Att. 20)

Obtained Accused Report from PO Daniel Fontaine #8677 of Unit 011, who indicated that while assisting other units during an investigation of an aggravated battery with a firearm, he encountered [REDACTED] outside of Bethany Hospital. [REDACTED] was extremely irate and combative with officers that were attempting to conduct the investigation. PO Fontaine reported that [REDACTED] caused a disturbance, acted erratic by moving his arms. PO Fontaine reported that he and other officers detained [REDACTED] and admitted to grabbing [REDACTED]'s clothes in order to gain control. PO Fontaine denied seeing PO Rodriguez kick or punch [REDACTED]. He denied being a witness to any other officer engage in misconduct. (Att. 24)

Obtained Accused Report from PO Jesse Rodriguez #8364 of Unit 011, who indicated that he responded to Bethany Hospital where a person was shot. During the investigation, PO Rodriguez spoke with [REDACTED] who he learned was a witness and the friend of the person that was shot. [REDACTED] was very angry and abusive, and PO Rodriguez attempted to interview [REDACTED] but he would not calm down. PO Rodriguez reported that he had to place his hand on [REDACTED] to control the situation, get him to calm down, and placed him in the squad car. PO Rodriguez informed [REDACTED] that he was not under arrest, but a witness to the investigation and he was needed to speak with the detectives assigned to the case. PO Rodriguez reported that at no time did he kick, push, or punch [REDACTED] and he did not see PO Fontaine grab and pull on [REDACTED]. (Att. #28)

CONCLUSION:

The reporting investigator recommends that this case be classified as a NOT SUSTAINED. There is insufficient evidence to prove or refute the allegations made by the complainant. Although the witness, [REDACTED] related a similar account as [REDACTED] and identified the shorter officer as the accused, there is no other evidence to support the account of [REDACTED]. In addition, there are no video camera recordings to support the allegations, no additional witnesses, no injuries to [REDACTED] or photographs regarding the physical mistreatment. The accused officers denied the allegations and their accounts are supported by several other responding officers and a sergeant.